

The Honorable Tom Wheeler, Chairman
Federal Communications Commission
445 12th Street, SW, Washington, DC 20554

Date: September 16, 2016

Subject: Support for petition seeking declaratory ruling and/or clarification of the 2015 TCPA Omnibus Order

Dear Chairman Wheeler,

CareMessage is a 501(c)3 nonprofit organization with a mission to empower healthcare organizations with mobile technologies to improve health outcomes and reduce the cost of care. CareMessage's technology acts as a bridge between the patient/caregiver and the healthcare organization, typically defined as a Federally Qualified Health Center (FQHC), Free and Charitable Clinic, health system or health plan.

For the healthcare organization, CareMessage's cloud-based platform enables staff members to customize and automate various kinds of interventions at the individual and population health level. The patient/caregiver receives targeted and interactive alerts, reminders and notifications through text and voice messaging. CareMessage's 'smart' software also enables resource-constrained providers to empower patients struggling with chronic diseases to improve their health through interactive and educational disease management-focused messaging. For example, diabetic patients receive messages on properly injecting insulin, recognizing high/low blood glucose, and avoiding foods that increase blood glucose. CareMessage is currently working with 180 healthcare organizations in 38 states nationwide.

Access to and adoption of basic cell phones among low-income individuals in the US is increasing, making it one of the great social equalizers of our time. Additionally, the utilization of text messaging is inversely proportional to income and education in the United States. A Pew Research Center study showed that text messaging usage is 2-4x higher in lower-income and less educated populations, and has a 99% open rate. We believe that greater utilization of mobile technology will transform the ability of healthcare organizations to more effectively and efficiently connect with the patients they serve.

Over the last two years, CareMessage has been able to successfully partner with Medicaid-focused health plans serving low-income, uninsured, and underserved patient populations. These health plans have used CareMessage to increase awareness of health insurance eligibility, update patients on important deadlines to continue coverage, and support (re)-enrollment efforts. In fact, a Kaiser Family Foundation report demonstrated that text messaging helped increase the number of eligible children enrolled in CHIP from 75% to 89% in partnership with local health centers.

In a pilot we conducted in 2015, a managed Medicaid organization based in Alameda County, California, used CareMessage to provide support to their English- and Spanish-speaking patients for renewal of Medi-Cal enrollments. 81 members were sent text-messages asking if they had enrolled or needed help enrolling in Medi-Cal. The results from the pilot showed that 31 members responded to the text message (38% response rate), a 2x increase over traditional modes of outreach (direct mail, phone calls etc). Of the 31 members who responded, 7 requested an appointment with the health center to renew their Medi-Cal coverage, 15 indicated that they had questions about Medi-Cal renewal, 8 indicated that they had already completed their Medi-Cal renewal and one member opted out of the messages. This example demonstrates the power mobile technologies such as voice and text messaging can have in reaching and increasing access to healthcare for vulnerable patient populations.

CareMessage joins the efforts of leading healthcare organizations across the country, including Anthem, Inc., Blue Cross Blue Shield Association, WellCare Health Plans, Inc., and the American Association of Healthcare Administrative Management, in requesting the Federal Communications Commission (FCC) to clarify the 2015 TCPA Omnibus Declaratory Ruling and Order. Specifically, we ask the FCC to clarify what constitutes “prior express consent” when non-telemarketing calls are made by HIPAA covered entities or their business associates. The revisions we propose would clarify that the provision of a phone number to a covered entity or business associate (as defined under HIPAA) constitutes prior express consent for non-telemarketing calls allowed under HIPAA for the purposes of treatment, payment, or healthcare operations. In addition, we ask that the FCC change the term “healthcare provider” used in the TCPA Omnibus Order to “HIPAA covered entities and business associates.”

We humbly request that the FCC grant this petition so that we can continue offering healthcare organizations a powerful mobile technology platform to transform the way they communicate with underserved patient populations. Furthermore, we look forward to an expedited clarification of the 2015 TCPA Omnibus Declaratory Ruling and Order which will ensure that healthcare organizations across the country, including health plans that work with Medicaid patients, are able to continue providing essential health education, reminders and outreach to patients efficiently and effectively.

Sincerely,

A handwritten signature in black ink, appearing to read 'Vineet Singal', with a stylized flourish extending to the right.

Vineet Singal
CEO and Co-Founder
CareMessage